

***United States Court of Appeals  
for the Second Circuit***



**APPELLEE'S  
APPENDIX**





# 74-1770

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**United States Court of Appeals  
FOR THE SECOND CIRCUIT**

**Docket No. 74-1770**

UNITED STATES OF AMERICA,

*Appellee,*

—v.—

WILLIE JEMISON, JR.,

*Appellant.*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

**APPENDIX FOR THE APPELLEE**

PETER C. DORSEY

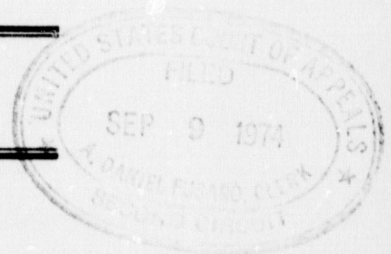
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1 Q He didn't leave the apartment on the second occasion  
2 in July?

3 If I told you that a Federal agent testified yes-  
4 terday that he saw Mr. Jemison leave the apartment after the  
5 State Trooper, and after Yat left, and leave the area on a  
6 bicycle, would he be mistaken?

7 A I'm afraid so, because I never knew Willie to ride  
8 a bicycle.

9 Q Did he ever ride a bicycle in the time when you saw  
10 him, when he was always high?

11 A No, I never seen Willie ride a bicycle.

12 Q Perhaps you don't know him as well as you think you  
13 do. You never saw him ride a bicycle?

14 A Never seen him on one.

15 Q Do I understand your testimony correctly, that the  
16 reason why you left him was because of his drug use?

17 A Um-hum.

18 Q Was there any other reason?

19 A No, that's really the only reason.

20 Q Do you know of any other fields of illegal endeavor  
21 that he might have been in at that time, to cause friction in  
22 your marriage?

MR. SANTOS: I am going to object, your Honor.

MR. BUCKLEY: I can make a bona fide offer of  
proof, as to what I think we are driving at.

/a.

1 I would like to make at the Bench.

2 THE COURT: Make it on the record.

3 THE WITNESS: I don't understand what you mean --

4 THE COURT: Just a moment.

5 (The following transpired at the Bench):

6 MR. BUCKLEY: Your Honor, at the time Mr.  
7 Jamison was a pimp, and a very good one, and a very  
8 active one. And I think this is something I should  
9 be allowed to explore. That certainly would have an  
10 effect on his marriage.

11 THE COURT: I think we are introducing an ele-  
12 ment that might create a reversal, and I think it is  
13 better to sustain the objection.

14 MR. SANTOS: I will make a motion, based on  
15 that question -- I move for a mistrial, on this  
16 ground: Mr. Buckley knows the rule in this circuit,  
17 in terms of impeaching the credibility of a Defen-  
18 dant. It is only through a prior felony conviction,  
19 or crimes of moral turpitude.

20 MR. BUCKLEY: This isn't the Defendant.

MR. SANTOS: That's precisely it. There is an  
attempt to impeach the Defendant through the ques-  
tion of the witness, and I so move.

THE COURT: He is attempting to impeach the  
witness, as I understand it?

2a.



1 MR. BUCKLEY: That's right. And there is an-  
2 other claim. My claim is to show impeachment, be-  
3 cause she is lying about the motivation to leave  
4 him, number one. And, number two, to show his drug  
5 use wasn't such a critical thing; that isn't why  
6 she left him.

7 MR. SANTOS: I would say this: If I recall  
8 correctly, if you attempt to impeach a Defendant  
9 through the wife, by those type of questions, that is  
10 reversible error. And I would move for a mistrial  
11 on that ground.

12 THE COURT: The motion is denied.

13 (The following transpired in open court):

14 BY MR. BUCKLEY:

15 Q Mrs. Jemison, after the separation, you testified  
16 that you didn't know whether Mr. Jemison was employed. Did he  
17 ever talk with you about what he did for a living?

18 A No.

19 Q Did he ever tell you where he got the money to buy  
20 this white powder?

21 A No.

22 Q Did you ever ask him?

23 A No.

24 Q What apartment did you live in?

25 A 406.

Q What were your duties in that job?

A My duties on that job was to get jobs for what was considered hard core unemployed personnel.

Q Did there come a time when you left that job?

A Yes, I resigned.

Q And can you tell the ladies and gentlemen of the jury, did you resign voluntarily?

A Yes.

Q Why did you do that?

A Well, I resigned voluntarily because me and the Executive Director at that time had a conversation about the use of drugs, and about me being late, and not keeping up the efficiency on records. So, I resigned.

Q Were you using drugs during that period?

A Yes, I was.

Q And what type of drugs were you using?

A Marijuana and cocaine.

Q From the time you were discharged in Vietnam, in the Armed Forces in '68, until this point, you continued to use, did you not, marijuana and cocaine?

A Not to this point. Until the year ending '72.

Q Now, during the period 1970, '71, '72, were you employed in any type of legitimate -- legal, I mean, employment?

A No, I wasn't.

Q Now, during the period of '70 to '72, did you con-

4 4a



1 time your use of drugs, including cocaine and marijuana?

2 A Yes.

3 Q Did you ever use heroin?

4 A No, I didn't. The only difference between the two  
5 drugs is --

6 MR. BUCKLEY: Your Honor, that's not responsive  
7 to the question, and I am not sure if he didn't use  
8 heroin if he is qualified to tell us --

9 MR. SANTOS: We won't pursue it.

10 Q Did you use any other drugs besides marijuana and  
11 cocaine?

12 A Yes, LSD. I used LSD, a number of pills, red uppers,  
13 red snappers -- whatever you call them, I don't know. I used  
14 a number of drugs.

15 Q Now, could you tell us from your experience using  
16 cocaine, what effect, physically and mentally cocaine had on  
17 you?

18 A The effect of it is that it speeds up the man; it  
19 makes the body neutral; the mind -- say you are doing some-  
20 thing, and you are really not doing nothing. And it also  
21 makes you very talkative. You don't even know where your  
22 next meal is coming up, and you think you got a million dollars.  
23 You also have bread money in your pocket, and instead of going  
24 out and buying bread, you go out and buy drugs with it.

25 Q Did the use of cocaine during this period, '68 to

5a.

1 '72, did that have any effect on you in terms of weight, or  
2 your physical condition?

3 A Yes, I think I must have lost somewhere around  
4 30 to 35 pounds, I would say.

5 Q How much do you weigh today?

6 A I think I weigh somewhere around a hundred fifty-five,  
7 maybe a hundred sixty.

8 Q Now, when you were habitually using cocaine, during  
9 the period of time -- specifically calling your attention to  
10 '70 to '72, I believe you testified that you weren't working?

11 A No, I wasn't working.

12 Q Sorry?

13 A I wasn't working.

14 Q At any legitimate enterprise?

15 A Well, at that time, I was considered -- well, the  
16 regular terminology that they use is pimping.

17 Q What is a pimp?

18 A Well, my version of a pimp would be a male who lives  
19 off the earnings of a female, which she acquires from other  
20 males.

21 Q How long were you engaged in this pimping activity?

22 A I recognize I must have engaged maybe a year, maybe  
23 two -- maybe two and a half years the longest. Maybe two and  
24 a half years; maybe three.

25 Q And did you receive any income as a result of

60



1 Q Are you divorced now, or separated?

2 A Just separated.

3 Q Does Mr. Jemison support you?

4 A No.

5 Q Is he under Court order to support you?

6 A No.

7 Q Are you positive of that?

8 A Positive.

9 Q Since you have been separated --

10 A Yes.

11 Q -- you have not received support from him?

12 THE COURT: Your answer, verbally?

13 THE WITNESS: No.

14 THE COURT: Yes or no?

15 THE WITNESS: No.

16 MR. BUCKLEY: May I approach the Bench with  
17 counsel?

18 (The following transpired at the Bench):

19 MR. SANTOS: Your Honor, this really gets me a  
20 little upset here, because here comes Mr. Buckley  
21 waving this document up to the Bench, and obviously  
22 the jury is going to infer that she is lying.

23 Now, I don't know what he has got there; I pre-  
24 sume it is the affidavit of Jemison.

25 MR. BUCKLEY: I have a 1970 non-support case

7a.

100  
against him, with respect to her.

1  
2 MR. SANTOS: Well --

3 MR. BUCKLEY: I think I am entitled to ask the  
4 question.

5 MR. SANTOS: The question was whether or not --

6 MR. BUCKLEY: She denied it. Now I am going to  
7 ask in 1970 was he charged with non-support of her?

8 MR. SANTOS: But the question was whether or  
9 not he supported her.

10 THE COURT: He asked whether there was any  
11 Court order, and she said no.

12 MR. SANTOS: Have you got a Court order?

13 MR. BUCKLEY: No, I have the crime -- the con-  
14 viction sheet.

15 MR. SANTOS: That may not be an order of the  
16 Court. For example, she might go to Family Sessions,  
17 and she may say he is not supporting me, and they  
18 may have picked him up.

19 THE COURT: Unless you got the order, I think  
20 you shouldn't present it.

21 MR. BUCKLEY: I have the charge, your Honor.  
22 Now, he can't be charged with non-support if he  
23 didn't have to support her.

24 THE COURT: I know. But, unless you have got  
25 the judgment to back it up, I don't think you are

Ja.



1 equipped to proceed with that. I think it might be  
2 objectionable.

3 If you had the judgment, showing that there was  
4 an order, then I think you would be prepared to go  
5 ahead.

6 (The following transpired in open court):

7 BY MR. BUCKLEY:

8 Q Mrs. Jemison, how much powder, how much of the white  
9 powder, if you can show us with your hands, would you estimate  
10 that was left on the first occasion, that you testified your  
11 husband then snorted?

12 A Well, I don't know.

13 Q You have no idea? And you say you have seen him do  
14 this before?

15 A Um-hum.

16 Q Did it appear to be a lot more than what you had seen  
17 him snort before?

18 A I really don't know.

19 Q Do you think it was an ounce of white powder? Could  
20 it have been that much?

21 A All I know, there was some left. I don't know how  
22 much it was, or what.

23 Q You say you sat there and watched him snort?

24 A Well, I was watching television, and he just sat  
25 there and used it.

9a.

that I --

Q Your testimony is that you weigh about 155, 150?

A Say around a hundred fifty, a hundred fifty-five, yes, sir.

Q You heard Trooper Esson testify that you looked the same yesterday as you did when you met him in July, 1972?

A Yes, I heard him testify to that.

Q You feel that he would be wrong on that?

A I am sure that he knows I look different.

Q Now, it is your testimony that you supported your drug habit, other than on these two occasions in July, by pimping?

A Yes, sir.

Q Did you have any other means of getting money to buy drugs?

A No, sir.

Q Are you sure of that?

A I'm positive of that.

Q Are these the only two occasions, Mr. Jemison, on which you were involved in the illegal transfer of cocaine?

A No, it wasn't.

Q Were you involved in other instances, prior to July of 1972?

A I was accused of other incidents before 1972.

Q I didn't ask you if you were accused; I asked you if

10a.



1 you were involved in other incidents of illegal transfers?

2 A And I answered to the best of my ability, I was  
3 accused.

4 Q Did you, prior to July 14, 1972, ever transfer  
5 cocaine from yourself to someone else?

6 MR. SANTOS: I am going to object to that.

7 A I am --

8 MR. SANTOS: Mr. Jemison, when I object, don't  
9 answer.

10 I object, your Honor, for the reason that it  
11 is not relevant unless there was a conviction. If  
12 there is no conviction, I claim that it is not a  
13 proper impeachment tool.

14 THE COURT: Do you propose to offer evidence  
15 concerning a pre-disposition to commit this alleged  
16 crime?

17 MR. BUCKLEY: I certainly do, your Honor. But,  
18 I claim I am entitled to ask the questions of him  
19 first.

20 THE COURT: The first question is, in response  
21 to the Court's question, if you propose to ask ques-  
22 tions to support your question, based upon this  
23 defense of entrapment which is being offered by the  
24 Defendant, the Court will allow it.

25 MR. SANTOS: Your Honor, may I be heard, so

11a.

1 that the record is clear, at the side bar?

2 THE COURT: You may.

3 (The following transpired at the Bench):

4 MR. SANTOS: Your Honor, my objection in this  
5 case is basically this: Mr. Jemison is under in-  
6 dictment in Massachusetts, for, as I understand it,  
7 a conspiracy to sell. There may be substantive  
8 counts -- I don't know.

9 MR. BUCKLEY: There are.

10 MR. SANTOS: But my point is, in this situation,  
11 where he is not on trial in Massachusetts, he is  
12 being put in a position of having to incriminate  
13 himself.

14 THE COURT: He can take the Fifth Amendment.  
15 Let him say "I refuse to answer on the grounds it  
16 may incriminate me."

17 MR. SANTOS: I would say to leave him with  
18 that alternative, your Honor, would insure a convic-  
19 tion. Obviously the indication of the Fifth, in  
20 front of the jury, is going to result in that.

21 Therefore, in light of this unique circumstance,  
22 I would ask the Court to do -- I think one practical  
23 thing, the only thing that can be done in this  
24 situation; that is, to declare a mistrial in this  
25 case, and to let the Massachusetts matter run



1 its course.

2 THE COURT: No, we have gone through that once.

3 MR. SANTOS: And then to retry this. Now,  
4 obviously, a continuance would be out of the ques-  
5 tion, because of the time lag that is going to  
6 occur. But, the Defendant is in the middle of a  
7 situation. Practically he cannot deal with this  
8 situation. If he invokes the Fifth, it is a  
9 guaranteed conviction. If he answers the questions,  
10 he may incriminate himself in connection with the  
11 Boston indictment.

12 And therefore, your Honor, I would ask that  
13 the Court order Mr. Buckley not to inquire -- not  
14 to allow him to inquire into anything involving  
15 the indictment. And in the alternative, for the  
16 Court to agree to declare a mistrial.

17 THE COURT: If he invokes the Fifth, of course,  
18 the Court would instruct the jury that that is a  
19 Constitutional right, and that no inference can be  
20 drawn therefrom. That is a privilege that you have.

21 MR. SANTOS: May I confer with him, your  
22 Honor?

23 THE COURT: You may confer.

24 (Pause.)

25 MR. BUCKLEY: Your Honor, I think the record

1 should reflect that after the ruling, I still intend  
2 to put on independent evidence of the propensities,  
3 whether he takes the Fifth or not. This is not re-  
4 buttal; this is evidence that I am entitled to put  
5 on, to show propensities. He has now raised the  
6 issue, so I am putting it on either way, whether he  
7 takes the Fifth or not.

8 THE COURT: That is my understanding.

9 MR. SANTOS: I am sorry; I should have done  
10 this before he got on the stand. Can we have a  
11 five minute recess?

12 MR. BUCKLEY: I wouldn't mind breaking for  
13 lunch. Maybe we could take our lunch an hour  
14 earlier.

15 THE COURT: I think you should finish your  
16 cross-examination of him. If you want to communi-  
17 cate with him outside the presence of the jury?

18 MR. SANTOS: Yes.

19 THE COURT: Do you want the jury to have a  
20 short recess?

21 MR. SANTOS: If I might, five minutes.

22 THE COURT: Five minutes, all right.

23 (The following transpired in open court):

24 THE COURT: We will have a five minute recess.  
25 We will return at 25 of one. Recess, Mr. Bailiff.



1 they look like hours. Years compared may look like months.

2 Q You have testified, have you not, Mr. Jemison, that  
3 you never sold any drugs to support your habit? You just  
4 pimped for women; is that correct?

5 A Yes.

6 Q Except these two times that you sold the drugs to  
7 Yet?

8 A Well, I refuse to answer that on the grounds that  
9 it might incriminate me.

10 Q I think you already testified before lunch that you  
11 only sold the drugs --

12 THE COURT: Just a moment. Let's clarify this  
13 now.

14 Read that back, so I will have it clear.

15 (Previous testimony read back.)

16 THE COURT: Well, the witness has chosen to  
17 exercise his Fifth Amendment right. It is a Con-  
18 stitutional right.

19 I would so explain to the jury, that the jury  
20 is entitled to draw no inference by the exercise  
21 of a Constitutional right. So, no inference should  
22 be drawn against the Defendant on his exercise of  
23 that right, per se.

24 MR. BUCKLEY: Your Honor, I claim it on this  
25 question. I asked it before lunch, and he said that

15a.

1 those are the only two times that he ever illegally  
2 transferred cocaine.

3 Now he wants to take the Fifth. I want to see  
4 if that is the position. He already put it before  
5 the jury.

6 THE COURT: The ruling stands. Any comment,  
7 Mr. Santos?

8 MR. SANTOS: Number one, I don't know if Mr.  
9 Jemison completely understands the question put to  
10 him by Mr. Buckley. So, I would request that Mr.  
11 Buckley put it to him again. Or, it could be read  
12 back.

13 THE COURT: Read it back, so that your counsel's  
14 request may be complied with.

15 (Previous question read back.)

16 MR. SANTOS: I want to move for a mistrial,  
17 your Honor, on the grounds, previously stated, that  
18 the Defendant should not be allowed to invoke his  
19 Fifth Amendment privilege in front of the jury.  
20 And I so move.

21 THE COURT: Denied. Proceed.

22 BY MR. BUCKLEY:

23 Q Mr. Jemison, did you ever, prior to July 14, 1972,  
24 engage in negotiations to transfer cocaine illegally?

25 A I can't recall, sir.

16 a.



1 Q You can't recall?

2 A No, sir.

3 Q Is this because this cocaine may have some effect  
4 on your mind at any time that you may have had such prior  
5 negotiations?

6 A I am sure that any doctor would --

7 Q I don't --

8 MR. SANTOS: I object.

9 MR. BUCKLEY: I don't --

10 THE COURT: Counselor, when there is an objec-  
11 tion, wait for the objection.

12 MR. BUCKLEY: Your Honor, I want to cut off  
13 the answer about what a doctor may say. Let's have  
14 the doctor put the evidence on, not from Dr. Jemi-  
15 son.

16 THE COURT: Do you have an objection?

17 MR. SANTOS: Yes, I do. He should be allowed  
18 to answer the question.

19 THE COURT: Read the question back, and the  
20 witness will answer.

21 (Previous question read back.)

22 THE COURT: Can you answer that question?

23 THE WITNESS: Yes, sir. My answer to the ques-  
24 tion would be that under the influence of cocaine,  
25 it has the tendency to also shatter the memory of

1 what actually took place. It would be more like  
2 what took place in insanity.

3 In other words, it could be something that  
4 doesn't really exist.

5 THE COURT: Your answer is that the cocaine did  
6 have an effect, and that is probably why you can't  
7 remember; is that correct?

8 THE WITNESS: Right, sir.

9 BY MR. BUCKLEY:

10 Q Of course, on the 14th of July, and the 18th of  
11 July, 1972, you were wild as a reindeer? You were snorting  
12 the sack that Blue gave you?

13 A Yes, sir.

14 Q Before you made the transaction to Yat, as you testi-  
15 fied on each occasion?

16 A Yes, sir.

17 Q And afterwards, correct?

18 A Yes, sir.

19 Q All right. But, on those occasions, you don't have  
20 any trouble remembering that Yat snorted cocaine in front of  
21 you; that he came in the bedroom, and that the money came  
22 from Yat, not from Trooper E son? You don't have any problem  
23 remembering that, do you?

24 MR. SANTOS: I object. That was not the testi-  
25 mony. It was that the money came from both, from

18a.



1 both Yat and Trooper Esson.

2 THE COURT: Objection overruled. The witness  
3 may answer.

4 BY MR. BUCKLEY:

5 Q You didn't have any trouble remembering that?

6 A Would you restate it?

7 THE COURT: Read it back, please.

8 (Previous question read back.)

9 THE WITNESS: No, sir, I don't even know Trooper  
10 Esson. I know Yat.

11 BY MR. BUCKLEY:

12 Q You testified that Trooper Esson was known to you  
13 as Yat's cousin on those two days? You remember that?

14 A Yes, sir.

15 Q You remember that on the first transaction that Yat  
16 took out \$300, and Trooper Esson took out \$200, and they put  
17 it on the dresser?

18 A No, sir, if I can recall rightly I think he gave it  
19 to Yat.

20 Q Right. Then Yat put it on the dresser?

21 A Yes, sir.

22 Q You have got those details down; you remember that?

23 A Yes, sir, I remember that.

24 Q And you do remember meeting Agent O'Brien sometime  
25 before July of 1972?

19a.

1 A I can't recall what date it was that I met O'Brien.

2 Q Do you remember where you met him?

3 A No, I don't remember where I met him.

4 Q Do you see the gentleman sitting in the back row,  
5 with the gray suit on, the short gentleman with the beard and  
6 long hair?

7 A Yes, I see him.

8 MR. BUCKLEY: Would you stand up, please?

9 Q Have you ever seen that gentleman before?

10 A Not that I can recall.

11 MR. BUCKLEY: The record should indicate that  
12 that is Agent Gary Sloboda, your Honor, who will be  
13 a witness in this case.

14 THE COURT: It may.

15 Q You don't recall ever meeting that man prior to  
16 July, 1972?

17 A No, I don't.

18 MR. SANTOS: Excuse me for interrupting, but  
19 I thought that Mr. Buckley was aware of the seques-  
20 tration rule.

21 MR. BUCKLEY: The witness can now leave, your  
22 Honor. I needed to have the witness to ask if he  
23 knew what he looked like.

24 MR. SANTOS: As long as he is aware of that.

25 THE COURT: All right.



1 BY MR. BUCKLEY:

2 Q And the gentleman who is Yat, is it not?

3 A Yes, that's Yat.

4 MR. BUCKLEY: Please stand up.

5 Q This is the gentleman described as about Mr.  
6 Santos' size?

7 A Maybe a little bigger.

8 MR. BUCKLEY: Please leave now, thank you.

9 MR. SANTOS: Your Honor should reflect that the  
10 gentleman known as Yat is in this courtroom through  
11 out the direct testimony of Mr. Jemison.

12 MR. BUCKLEY: That's correct.

13 MR. SANTOS: Your Honor's recollection -- and he was in  
14 here up to this point in the cross-examination of  
15 Mr. Jemison. I think the record should reflect  
16 that.

17 MR. BUCKLEY: He was brought in, your Honor,  
18 as I started my cross-examination purpose, so that I could  
19 ask that he be identified.

20 And I haven't asked any questions about him  
21 that he doesn't already know about him. He hasn't  
22 been the subject of any cross-examination.

23 THE COURT: When did he come into the court-  
24 room?

25 MR. BUCKLEY: He came in when I started my

1 cross-examination. And I asked him to come in.  
2 And I don't intend to call him as a witness. So,  
3 I don't think --

4 THE COURT: That was ten after two?

5 MR. BUCKLEY: Yes, that's correct. That is my  
6 recollection.

7 THE COURT: He hadn't been in the courtroom  
8 until then?

9 MR. BUCKLEY: That's right. And he was in for  
10 a few minutes when I started this morning, but I  
11 only asked about six questions, but none of them  
12 pertained to him.

13 THE COURT: And you asked him to leave?

14 MR. BUCKLEY: Just now.

15 MR. SANTOS: My recollection, your Honor -- and  
16 I don't dispute Mr. Buckley's representation -- but  
17 I thought he was in here prior to the one o'clock  
18 break, and during my -- at least part of my examina-  
19 tion.

20 But, I could be mistaken.

21 THE COURT: I can't see any harm for the short  
22 moment that he was here.

23 MR. BUCKLEY: Both these men could state, for  
24 the record, that they went out and got him after  
25 direct. And I asked them to have him when I started

22a



1 my cross-examination. That is Michael Hartmere,  
2 the attorney in the case, and Agent Albano.

3 THE COURT: Very well.

4 BY MR. BUCKLEY:

5 Q Mr. Jemison, this fellow Blue, does he use cocaine?

6 MR. SANTOS: I object, your Honor. What Blue  
7 did has no relevancy in this case.

8 THE COURT: Sustained.

9 BY MR. BUCKLEY:

10 Q Mr. Jemison, do you know people who sell drugs?

11 MR. SANTOS: I object, your Honor.

12 MR. BUCKLEY: I will show the relevancy, your  
13 Honor.

14 MR. SANTOS: If he has a specific inquiry,  
15 that's one thing. But, I object.

16 MR. BUCKLEY: He can testify that he was know-  
17 ledgeable on --

18 THE COURT: I think the better procedure,  
19 Counselor, to avoid any error in this trial, if you  
20 have some specific point that you want to bring out,  
21 specific people, or specific incidents, you may do  
22 so; whether he had dealings, or had conversations,  
23 or whether he made representations, to be more  
24 specific.

25 MR. BUCKLEY: Your Honor, Mr. Santos asked this

1 man questions about drug use, to try to show that  
2 he is knowledgeable; that this had some effect on  
3 his mind at the time of the sale.

4 I am going to play upon the same thing that Mr.  
5 Santos played upon; that he is knowledgeable. I  
6 want to ask him questions about drug use and selling.

7 THE COURT: Why don't you ask him a general  
8 question: "Are you generally acquainted with the  
9 dealings of drugs?" Whether it is cocaine or  
10 marijuana or heroin -- whatever area you want to  
11 question him on. And let him tell you.

12 BY MR. BUCKLEY:

13 Q Mr. Jemison, you testified that you used drugs for  
14 a period of years, correct?

15 A Yes, sir.

16 Q You used a lot of cocaine, correct?

17 A Yes, sir.

18 Q You had to buy that cocaine from someone, didn't  
19 you?

20 A Yes, sir.

21 Q All right. So, you were purchasing drugs from  
22 other people for your use; is that correct?

23 A Yes, sir.

24 Q And you were knowledgeable at the time as to the  
25 customs and the language used on the street in purchasing drugs?

24a.



1 A I would have to say I was accustomed to the language.

2 Q And you knew the effect that drugs would have on  
3 other people; is that correct?

4 A I know the effects it had on me. Yes, I know the  
5 effects it had on me, yes, sir, I do.

6 Q Now, is it a fact -- isn't it a fact, Mr. Jamison,  
7 that most of the people you bought drugs from were selling  
8 drugs to support their habit?

9 A I don't know, sir.

10 Q You didn't make any inquiry as to why they were  
11 selling when you bought from them?

12 A No, sir. At that time, the only thing that was im-  
13 portant to me was that they have any.

14 Q It is your testimony that you weren't selling drugs  
15 to support your habit; is that correct?

16 MR. SANTOS: I am going to object to the general  
17 questions. I don't think it is a proper way to do  
18 what Mr. Buckley is trying to do.

19 MR. BUCKLEY: It is cross-examination.

20 THE COURT: Don't interrupt. Go ahead, Mr.  
21 Santos.

22 MR. SANTOS: The general question, you know,  
23 did you ever sell drugs to feed your habit -- I  
24 don't think it is proper to do what Mr. Buckley wants  
25 to do.

25a.

1 THE COURT: I think that the counsel for the  
2 Government should specify the particular areas that  
3 he knows or thinks he has evidence on, and pinpoint  
4 it to those particular areas.

5 MR. BUCKLEY: First, I think I should start,  
6 did he ever sell drugs on other occasions? Now he  
7 has taken the Fifth.

8 THE COURT: Let's get on with the next question.

9 BY MR. BUCKLEY:

10 Q Mr. Jemison, on March 5th, 1972, you testified that  
11 you don't recall if you were in Springfield on that day?

12 A No, sir, I don't recall. I don't even recall the  
13 year, so much that date.

14 Q You do recall two days in July, three months later?

15 A I recall two days in July, three months later.

16 Q The 14th and 18th?

17 A Yes, I can recall. I mean, the month -- I can't  
18 recall the day and month, no, sir.

19 Q You remember what happened on those dates?

20 A Yes, sir, I can remember what happened, but the day  
21 and month I don't remember, sir.

22 Q Mr. Jemison, do you know an individual named Alfonso  
23 Smith?

24 A Do I know him? Do I know an Alfonso Smith?

25 Q Right.

26a.



1 Then it is all before the jury.

2 (The following transpired in open court):

3 REDIRECT EXAMINATION BY MR. BUCKLEY:

4 Q Mr. Yarde, in reference to the questions of the De-  
5 fendant's counsel, that he asked you about other payments by  
6 the Government, do you recall being paid on other occasions  
7 by Agent Albano, who is sitting in the courtroom?

8 A Yes.

9 Q Do you recall -- just answer yes or no, if you re-  
10 call -- do you recall if you were paid \$50 on August 2nd, 1972?

11 A Yes, sir.

12 Q You do recall that now?

13 A Yes, sir.

14 Q Do you recall if you were paid \$100 on August 10,  
15 1972?

16 A Yes, sir.

17 Q Do you recall if you were paid \$50 on August 17,  
18 1972?

19 A Yes, sir.

20 Q You specifically recall those incidents?

21 A Yes, sir.

22 Q Did you recall them before, when you testified under  
23 direct?

24 A Yes, sir, I can remember now exactly when and where.

25 Q You also remember the cases now, don't you?

1 A Yes, I do.

2 Q Now, were you also paid \$50 on September 1st, 1972?

3 A Yes, sir.

4 Q Were you paid \$50 on September 13, 1972?

5 A Yes, sir.

6 Q Were you paid \$50 on September 28th, 1972?

7 A Yes, sir.

8 Q All right. Now, do you presently recall the names  
9 of the individuals that you got that money for working on?  
10 Yes or no? I don't want to know the names, but do you recall  
11 the names of them?

12 A I can't remember.

13 MR. SANTOS: I object at this point.

14 MR. BUCKLEY: This is --

15 THE COURT: Just a moment. I don't know how far  
16 you are going, what else are you going to bring out?

17 MR. BUCKLEY: I have one more question.

18 THE COURT: One more question?

19 MR. BUCKLEY: I want to ask if he is aware of  
20 the results of what happened on any of those cases  
21 on which he was paid.

22 MR. SANTOS: If your Honor please, this is the  
23 third time now that the prosecutor has again made  
24 statements that he knows are improper. And I think,  
25 your Honor, he made a record number of mistrial



1 cases in this case, and I think the comments -- I  
2 move for a mistrial.

3 THE COURT: The motion is denied.

4 MR. BUCKLEY: That is a general question, as  
5 to what he did --

6 THE COURT: Just a minute. The Court is going  
7 to decide this question now. As to what the results  
8 of those cases were, that is objectionable. The  
9 objection is sustained.

10 MR. BUCKLEY: I have no further questions of  
11 this witness.

12 THE COURT: Any other questions of this witness?

13 MR. SANTOS: Nothing, your Honor.

14 THE COURT: That is all, thank you.

15 (Witness excused.)

16 MR. HARTMERE: The Government's next witness,  
17 your Honor, will be Mrs. Lucille McAllister.  
18  
19  
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22  
23  
24  
25

29a.